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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,701	05/16/2001	Morihito Nomura	000400-837	9249

7590 07/16/2002

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EXAMINER

RODGERS, MATTHEW E

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/855,701

Applicant(s)

NOMURA ET AL.

Examiner

Matthew E. Rodgers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-18 is/are allowed.
- 6) ☒ Claim(s) 1,6 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: on page 7, line 3 of the specification, the Examiner asserts that “axlel” is a typographical error and should be replaced by --axle--.

Appropriate correction is required.

### ***Claim Objections***

Claim 9 is objected to because of the following informalities: in line 7, Examiner asserts that the limitation “each axle portion being insertable into one of the slots in the link” is a typographical error and that “link” should be replaced by --frame--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation in lines 9 and 10 that the link is provided with “axle portions each having a two faced portion and a first engaging portion.” The Examiner asserts that the first engaging portion, as disclosed in the specification is the first engaging nail portion

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(14h) of which there is only one and which is not provided on the axles (14). Since there is more than one axle portion claimed, and only one first engaging portion (14h) disclosed and shown in the drawings, it is not understood how the axle portions may *each* be provided with a first engaging portion (Examiner's note: does the Applicant intend to claim second axle engaging portions 14c and 14d?).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spitzley (USPN 6,401,302) in view of Josserand et al (USPN 6,401,302) and in further view of Sano et al (USPN 6,167,779). Spitzley shows a vehicle door handle device having a frame secured to the outer panel of a vehicle door having a supporting portion (34a) and insertion holes (34g, 34j). A link (36, 30h, 30g) is rotatably mounted to the frame and urged by an urging force of an elastic member (38, through lever 32) in one rotational direction. A grip-type outer handle (30) is mounted from outside the outer panel and operatively associated with the link to operate the link so as to rotate against the urging force of the elastic member. The link (36, 30h, 30g) is provided with axle portions (30h). The frame is provided with slots (34g) for inserting each of the axle portions (30h) and with supporting holes (34e) for rotatably supporting the axle portions. The link is provided with a first engaging portion (34h) that engages with a second engaging

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portion on the frame to hold the link in a preliminary holding position. It is considered that the first engaging portion (34h) elastically deforms the edges of the recess in the housing (secondary engaging portion) with which it mates.

However, Spitzley does not teach a frame secured to an inside of an outer panel of a vehicle door. Josserand teaches that it is well known in the art to mount a frame (14) on the inside of a door panel.

Spitzley in view of Josserand does not teach axles having two faced portions, nor does Spitzley teach a link having a mounting portion to which an elastic member is mounted. Sano teaches the use of axle portions (6) having two faced portions (i.e. two flat portions) (6a), a slot (8a, 8b) and a supporting hole (7) for the purpose of enhancing the supporting strength of the link. Sano also shows the link is directly biased by spring (3) mounted in the mounting portion formed by the receiving portion (5) (Figure 3) to continuously bias the link in one direction. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to make the link of Spitzley connected to an elastic member with axles having two face portions with a frame on the inside of an outer vehicle door panel.

***Allowable Subject Matter***

Claims 9-18 are allowed. Claims 2-5, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Rodgers whose telephone number is (703) 306-3406. The examiner can normally be reached on regular work hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



MR

July 15, 2002



J. J. SWANN

SUPERVISORY PATENT EXAMINER  
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